



# PUBLIC NOTICE

Federal Communications Commission  
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DA 07- 3467  
July 30, 2007

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON  
MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.'S  
PETITION FOR MODIFICATION OF THE *QWEST OMAHA ORDER***

**WC Docket No. 04-223**

**Comments Due: August 29, 2007**  
**Reply Comments Due: September 13, 2007**

On July 23, 2007, McLeodUSA Telecommunications Services, Inc. (McLeodUSA) filed a petition for modification of the Commission's *Qwest Omaha Order*.<sup>1</sup> In its petition, McLeodUSA urges the Commission to modify the *Qwest Omaha Order* by reinstating Qwest's section 251(c)(3) unbundling obligations in the Omaha MSA.<sup>2</sup> McLeodUSA argues that, in its experience, the Commission's predictive judgment that Qwest would offer wholesale access to dedicated facilities on reasonable terms and conditions once released from the legal mandate of section 251(c) has proven incorrect.<sup>3</sup>

This Public Notice establishes certain procedural requirements relating to consideration of the McLeodUSA Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or

<sup>1</sup> Petition for Modification of McLeodUSA Telecommunications Services, Inc., WC Docket No. 04-223 (filed July 23, 2007) (McLeodUSA Petition). On September 16, 2005, the Commission adopted the *Qwest Omaha Order* in which it granted Qwest Corporation (Qwest) forbearance from the obligation to provide unbundled loops and dedicated transport pursuant to section 251(c)(3) of the Communications Act of 1934, as amended, in nine of Qwest's 24 wire centers in the Omaha Metropolitan Statistical Area (MSA). *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415 (2005) (*Qwest Omaha Order*), *aff'd*, *Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007); *see also* 47 U.S.C. § 251(c)(3). The Commission also granted Qwest additional regulatory relief by forbearing from the application of certain dominant carrier regulation to Qwest's provision of mass market switched access and broadband services and minor relief from sections 271 and 251(c)(6) to reflect the relief granted from section 251(c)(3). *See Qwest Omaha Order*, 20 FCC Rcd at 19417, para. 2.

<sup>2</sup> McLeodUSA Petition at 1.

<sup>3</sup> *Id.*

two sentence description of the views and arguments presented generally is required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.45 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.45, 1.419, interested parties may file comments on the McLeodUSA Petition on or before **August 29, 2007** and reply comments on or before **September 13, 2007**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail to [janice.myles@fcc.gov](mailto:janice.myles@fcc.gov); and one (1) copy must be sent to Best Copy and Printing, Inc., 445 12th Street, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail to [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

Comments may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS); (2) using the Federal Government's eRulemaking Portal; or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

For further information regarding this proceeding, contact Jeremy Miller, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580.

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